

12/10/01  
J1064 U.S. PTO

12-10-01

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# UTILITY PATENT APPLICATION TRANSMITTAL

Submit an original and a duplicate for fee processing  
(Only for new nonprovisional applications under 37 CFR 1.53(b))

12/10/01  
10/10/01  
J1064 U.S. PTO  
8196J

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Attorney Docket No. 93,354-SS  
First Named Inventor Roninson et al.  
Express Mail No. EL604657536US

## APPLICATION ELEMENTS

1. ☒ Transmittal Form with Fee
2. ☒ Specification (including claims and abstract) [Total Pages 54]
3. ☒ Drawings [Total Sheets 40]
4. ☒ Oath or Declaration [Total Pages 2]
  - a. ☐ Newly executed
  - b. ☒ Copy from prior application  
[Note Boxes 5 and 18 below]
    - i. ☐ Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
5. ☒ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Code Listing (See 1.96)
  - a. ☐ Microfiche Appendix
  - b. ☐ CD-Rom (in duplicate, with separate transmittal)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy
  - c. ☐ Statement verifying above copies
8. ☒ Small Entity Status
  - ☐ is claimed
  - ☐ Statement filed in prior application; status still proper and desired
  - ☒ is no longer claimed.

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers
10. ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)
  - ☐ PTO-1449 Form
  - ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☐ A Request for non-publication pursuant to 35 U.S.C. § 122(b)(2)(B)(i)
17. ☐ Other:

## 18. ☒ This is a CONTINUING APPLICATION. Please note the following:

- a. ☒ This is a ☐ Continuation ☒ Divisional ☐ Continuation-in-part of prior application 09/568,315 filed May 9, 2000.
- b. ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one claim must remain.)
- c. ☐ Amend the specification by inserting before the first line the sentence:  
This is a ☐ continuation ☐ divisional ☐ continuation-in-part of application Serial No. .
- d. ☐ The prior application is assigned of record to .

## UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 93,354-SS

## APPLICATION FEES

BASIC FEE				\$ 740.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	8 -20=		x \$18.00	\$
Independent Claims	4 -3=	1	x \$84.00	\$ 84.00
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable			+\$280.00	\$
Total of above calculations =				\$
Reduction by 50% for filing by small entity =				\$( )
<input type="checkbox"/> Assignment fee if applicable			+ \$40.00	\$
TOTAL =				\$ 824.00

19. ☐ Please charge my Deposit Account No. 13-2490 in the amount of \$20. ☒ A check in the amount of \$824.00 is enclosed.

21. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 13-2490:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

22. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.

## 23. CERTIFICATE OF MAILING

I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to the Asst. Commissioner for Patents, Box Patent Application, Washington, DC 20231, on the date indicated below.

## 24. USPTO CUSTOMER NUMBER



20306

PATENT TRADEMARK OFFICE

McDonnell Boehnen Hulbert &amp; Berghoff

## 25. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name	Kevin E. Noonan
Reg. No.	35,303
Signature	
Date	December 4, 2001

UTIL (Rev. 11/21/00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 93,354-SS)

PATENT

In application of:

Roninson *et al.*

Serial No. To be assigned

Filed: December 4, 2001

For: Genes and Genetic Elements Associated  
With Sensitivity to Chemotherapeutic  
Drugs

Before the Examiner:  
J. Ketter

Group Art Unit: 1636

TRANSMITTAL LETTER

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

In regard to the above-identified application:

1. We are transmitting herewith the attached
  - a. Divisional Application Transmittal Letter
  - b. Specification, claims and drawings, and executed Declaration and Power of Attorney.
  - c. Preliminary Amendment
2. With respect to additional fees:
  - a. A filing fee of \$824.00 is required.
3. Enclosed please find a check in the amount of \$824.00.
4. Please charge any deficiency in the amount due, or credit any overpayment, to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this Transmittal Letter and this paper, as described in paragraph 1 herein above, are being deposited with the United States Postal Service, as Express Mail, in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on this 4th day of December 2001.

By:

Kevin E. Noonan, Ph.D.  
Reg No. 35,303